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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,146	03/15/2007	Kaspar Haltiner	0115-062349	6684

28289 7590 07/20/2010

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EXAMINER	
HARP, WILLIAM RAY	

ART UNIT	PAPER NUMBER
3651	

MAIL DATE	DELIVERY MODE
07/20/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/589,146	HALTINER, KASPAR	
	Examiner	Art Unit	
	William R. Harp	3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 May 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *20-51* is/are pending in the application.

4a) Of the above claim(s) *20-30* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *31-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Examiner acknowledges the amendment to the claims entered May 5, 2010 in response to a Non-final Office Action mailed November 5, 2009.

2. Claims 20-51 are pending. Claim(s) 1-19 is/are cancelled. Claim(s) 31-37 is/are currently amended. Claim(s) 41-51 is/are newly presented. Claims 21-30 are withdrawn from consideration.

Response to Arguments

3. Applicant's arguments filed May 5, 2010 have been fully considered but they are not persuasive. Ramsey et al. does teach supplying springs individually one at a time and delivering the springs individually to a lower delivery point. At any one point in time, there is a single spring at the lower delivery point. Further, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Applicant argues Spatafora teaching a continuous supply of articles; therefore, the combination would teach a continuous supply of multiple springs. Spatafora is used to teach that in order to transfer articles from a first conveyor to a second conveyor, where the relative speeds of the conveyors is nonzero and variable, changing the longitudinal position of the transfer device relative to the conveyor will yield the desired spacing once articles are transferred to the second conveyor. While Ramsey et al. does teach multiple springs on the transfer conveyor, situating a

single spring on the transfer conveyor would have been obvious since the transfer conveyor would transport a single spring in the same manner as transporting multiple springs.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 49 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear whether the claim element "means of stopping" is a means (or step) plus function limitation that invokes 35 U.S.C. 112, sixth paragraph, because the language "means for" has not been used. If applicant wishes to have the claim limitation treated under 35 U.S.C. 112, sixth paragraph, applicant is required to:

(a) Amend the claim to include the phrase "means for" or "step for" in accordance with these guidelines: the phrase "means for" or "step for" must be modified by functional language and the phrase must **not** be modified by sufficient structure, material, or acts for performing the claimed function; or

(b) Show that the claim limitation is written as a function to be performed and the claim does **not** recite sufficient structure, material, or acts for performing the claimed function which would preclude application of 35 U.S.C. 112, sixth paragraph. For more information, see MPEP § 2181.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 31-42, 44-47, 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsey et al. (USPN 5579810) in view of Spatafora (USPN 6845861).

8. Regarding Claim 31, Ramsey et al. teaches supplying springs individually one at a time (from coiler 56a or b to conveyor 57a or b) and delivering the springs at a lower delivery point to a spring conveyor (as illustrated in Figure 5a, where the spring conveyor is 51). At position (75) on conveyor (57b) or position (76) on conveyor (57a), there is a single spring at any one point in time. The pusher (66 or 67) slides the spring from the conveyor (57a or b) to the spring conveyor (51). Ramsey et al. fails to teach changing the relative position of the lower delivery point with respect to the spring conveyor. Spatafora teaches conveyor (4) and (5) operating at speeds V1 and V2, respectively. Articles (2) are transferred from conveyor (4) to conveyor (5) using transfer device (6). Transfer device (6) comprises a carriage (19) that is moved [C2, L57-58]. The examiner considers moving the transfer device to be changing the relative position of a

lower delivery point with respect to an output conveyor (5). It would have been obvious to change the relative position of the lower delivery point with respect to the spring conveyor as taught by Spatafora.

9. Regarding Claim 32, Ramsey et al. teaches delivering the springs individually to a transfer conveyor (by coiler 56a,b) at an upper delivery point (as illustrated in Figure 5), wherein the upper delivery point remains constant in its relative position with respect to the spring conveyor, conveying springs to the lower delivery point (as illustrated), and delivering the springs at the lower delivery point to the spring conveyor [C9, L36-61]. Ramsey et al. fails to teach situating one single spring on the transfer conveyor, however, to do so would have been obvious, since the transfer conveyor would have transported a single spring in the same manner as multiple springs.

10. Regarding Claims 33 and 50, Ramsey et al. fails to teach the spring conveyor is operated in a constant cycle or at a constant speed. However, Ramsey et al. does teach a controller (59) that controls the spring conveyor (51) to achieve the desired pattern of springs. Spatafora teaches an instance where the speed of the second conveyor is constant [C3, L21-38]. It would have been obvious to operate the spring conveyor in the appropriate manner to achieve the desired pattern of springs in the row of springs.

11. Regarding Claim 46, Ramsey et al. teaches the spring is supplied in a direction parallel to the moving direction of said spring conveyor (as illustrated in Figure 5).

12. Regarding Claim 47, Ramsey et al. teaches the spring is supplied with a transfer conveyor (57a or b)

13. Regarding Claims 49 and 51, Ramsey et al. teaches a controller (59) which stops the transfer conveyor. Further, Ramsey et al. teaches that when a spring is at the lower delivery point, the transfer conveyor is stopped [C10, L57-60] and is not started until the spring is transferred to the spring conveyor.

14. Regarding Claim 34, Ramsey et al. teaches (as best understood) a spring conveyor (51) adapted to form a row of springs; and a transfer device (57a or b and 66 or 67) adapted to supply springs individually one at a time to the spring conveyor (a single spring is transferred to the spring conveyor at a time); and a change unit (66 or 67) defining a lower delivery point (at positions 75 or 76); wherein the transfer device transfers only one single spring at a time to said lower delivery point (only one spring is located at position 75 or 76 at a time), wherein the change unit transfers said spring from said lower delivery point to the spring conveyor, and wherein the springs are arranged in a row and behind one another at selectable distances from one another on the spring conveyor. Ramsey et al. fails to teach that the relative position of the change unit with respect to the spring conveyor is changeable so that the relative position of the lower delivery point to the spring conveyor is changeable to arrange said springs at selectable distances from one another on the spring conveyor. Spatafora teaches a change unit (6) at a lower delivery point between two conveyors (4, 5). The transfer device is movable (as described above). Therefore, the relative position of the lower delivery point with respect to the downstream conveyor is changeable. It would have been obvious to make the relative position of the lower delivery point with respect to the spring conveyor changeable as taught by Spatafora.

15. Regarding Claim 35, Ramsey et al. teaches wherein the transfer device is a transfer conveyor (57 a or b) which is at least partially situated parallel and adjacent to the spring conveyor (as illustrated in Figure 5) and transferring only one spring at a time (only one spring at a time is transferred from conveyor (57a or b) to conveyor (51)), and wherein the apparatus further comprises: a first delivery mechanism (coiler 56 a or b) situated at an upper delivery point (as illustrated) for delivering one spring at a time to the transfer conveyor (the coiler puts a single spring on the conveyor at any one time).

16. Regarding Claim 36, the upper delivery point remains constant (as illustrated).

17. Regarding Claim 37, the first delivery mechanism delivers the springs individually [C9, L24, "intermittently feeding coils"].

18. Regarding Claims 38 and 39, Ramsey et al. teaches a servomotor (58) for the transfer conveyor, yet teaches a stepper motor (53) for the spring conveyor. However, servo motors are old and well-known in the art, and it would have been obvious to use a servo motor for the spring conveyor in a manner identical to the servo motor of the transfer conveyor.

19. Regarding Claim 40, the spring conveyor and transfer conveyor include two belt conveyors situated parallel to each other [C9, L14-15] (as illustrated).

20. Regarding Claims 41 and 42, Ramsey et al. fails to teach the spring conveyor is operated in a constant cycle or at a constant speed. However, Ramsey et al. does teach a controller (59) that controls the spring conveyor (51) to achieve the desired pattern of springs. Spatafora teaches an instance where the speed of the second conveyor is constant [C3, L21-38]. It would have been obvious to operate the spring conveyor in the appropriate manner to achieve the desired pattern of springs in the row of springs.

21. Regarding Claim 44, Ramsey et al. teaches a controller (59) which stops the transfer conveyor. Further, Ramsey et al. teaches that when a spring is at the lower delivery point, the transfer conveyor is stopped [C10, L57-60] and is not started until the spring is transferred to the spring conveyor.

22. Regarding Claim 45, Ramsey et al. teaches the lower delivery point is defined by the transfer conveyor (by positions 75, 76 in Figure 5).

23. Claims 43 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsey et al. in view of Spatafora as applied to claims 31 and 34 above, and further in view of Grizey (USPN 1858010).

24. Regarding Claims 43 and 48, Ramsey et al. in view of Spatafora teaches the limitations described above, yet fails to teach a stop surface. Grizey teaches a stop surface (13) for stopping articles (11) on a conveyor (B) before the articles are transferred laterally of the conveyor. It would have been obvious to use a stop surface to stop articles on a conveyor.

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William R. Harp whose telephone number is (571) 270-5386. The examiner can normally be reached on Monday - Thursday, 8:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gene Crawford/
Supervisory Patent Examiner, Art Unit 3651

/W. R. H./
Examiner, Art Unit 3651